

REMARKS

Claims 1-42 are pending in the application; claims 2, 5-10, 12, 15-20, 22, 25-30, 34 and 37-42 have been withdrawn from consideration without prejudice in case any generic claim remaining in the application from which these claims depend is found to be allowable. In the Office Action dated August 10, 2005, the Examiner took the following action: (1) indicated that claims 21-30 are allowable over the prior art of record; (2) rejected claims 1, 3-4, 11, 13-14, 31-33 and 35-36 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,526,483 to Cho *et al.*; and (3) rejected claims 31-33 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No. 2003/0229762 to Maiuyran *et al.*

Although applicant does not agree that any of the rejected claims are anticipated by or obvious over the cited references, applicant is taking the suggestion of the Examiner to cancel the rejected claims to obtain an early allowance of a patent from this application. Therefore, all of the claims in the application are being canceled leaving only allowed claims 21-30.

Applicant also disagrees with Examiner's comments regarding applicant's duty of disclosure and the prior art cited by applicant. All of the references cited by applicant are references that applicant has reason to believe may possibly be relevant to the claims of this application. As the Examiner may understand, if applicant engages in picking and choosing which of these references to cite, applicant runs the risk of being charged by a potential infringer with intentionally not citing any reference that is argued to be more material than those references that were cited. Although a substantial number of references were cited, applicant believes the number of cited references is substantially less than the number of references that the Examiner would normally review in examining this application. Therefore, the number of cited references is not considered to place an undue burden on the Examiner, although applicant certainly understands the Examiner's desire to avoid reviewing prior art that is not found to be material. Therefore, the prior art cited by the applicant should not be reviewed with any lesser degree of examination than the prior art in the Examiner's field of search. Finally, applicant does not agree that applicant has a duty to classify the references by their degree of materiality. If the Examiner is aware of any such requirement in 37 CFR or the MPEP, he is kindly requested to

point out such requirement. Again, if applicant engages in the practice of classifying the references by their degree of materiality, applicant runs the risk of being charged by a potential infringer with failing to give references argued to be material a sufficiently high rating of materiality for the purpose of misleading the Examiner.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a timely Notice of Allowance are earnestly solicited.

Respectfully submitted,

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Enclosures:

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Fee Transmittal Sheet (+ copy)  
Supp. IDS with (4) Related Applications  
Form PTO-1449

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